

THE CONSTITUTION OF THE INTERNATIONAL COMMISSION
ON ZOOLOGICAL NOMENCLATURE

Secretary's Note. The present Secretary has found himself in a slight difficulty in respect of the steps which led to the submission of the Draft Constitution printed below, due to the fact that he was unable to attend the meetings of the Commission at which discussion of the subject took place. The available records of action taken are printed below as follows :—

- (1) *Mimeographed minutes of second meeting of the Commission [in London] 20 July 1958 :—*

“ 5. It was resolved to seek authority from the Congress to examine the By-laws of the Commission and present proposals for their amendment to the Sixteenth International Congress of Zoology. Dr. Mayr, seconded by Dr. do Amaral, moved that the Executive Committee be abolished and replaced by a Council of Five, with the President (Chairman, ex-officio), Vice-President and three other members of the Commission, and the Secretary. Members of the Council should serve for five-year periods, and their duties should include the supervision of the work of the Secretary in relation to his functions as Secretary to the Commission. Dr. Boschma. Dr. Mayr and Dr. Key were invited to serve on this Committee.”

- (2) *Report of the Commission to the Congress, Part 2 (Z.N.(L) 48, 20 July 1958 and Proc. XVth Int. Congress Zoology, p. 915, 1959) :—*

“ 20. The Commission then considered the question of the Organic Articles and By-laws in the light of the decision recorded in paragraph 19 above, and it was decided to ask the Congress to give authority to the Commission to examine these regulations and present proposals to the Sixteenth International Congress of Zoology. It was resolved that, should the necessary authority be granted, a By-laws Committee of three be appointed to carry out the necessary work. Professor Mayr, Professor Boschma and Dr. Key were asked to hold themselves ready to serve on this Committee, should it be formed.”

- (3) *Final Plenary Session, Closing Address to the Congress by Sir Gavin de Beer, Proc. XVth Int. Congress Zoology, p. 45 :—*

“ The International Commission has also recommended that its own By-laws be re-examined with a view to amending them in the light of existing conditions, and that a Committee consisting of Professor Boschma, Professor Ernst Mayr, and Dr. K. H. L. Key be invited to undertake this task, so that the amended By-laws, when approved by the Commission, may come into force provisionally while awaiting confirmation at the next International Congress of Zoology. Do all these proposals, full details of which are set out in the Reports, meet with your approval ? ”

It is unfortunate that these three statements do not precisely tally, for therein lie some of the differences of opinion that have subsequently arisen. Before proceeding further, however, I place on record my personal conviction that it was not Sir Gavin de Beer's intention to invite the Congress in Plenary

Session to do more than endorse the Commission's recommendations "full details of which are set out in the Reports."

- (4) On 26 August 1959, the Draft Constitution prepared by the Committee was received at the Commission's office in London together with a covering letter. These are printed below (pp. 358-361).

The fact that this document was headed "Appendix to the Code" necessitated its immediate consideration by the Editorial Committee then engaged upon the text of the new edition of the Code. They concluded that its status was by no means equal to that of the Code: in the one case the material had been considered and approved by the Congress; in the other case it still needed the approval of the Congress. They therefore decided to exclude it for fear that its inclusion might seem to endow it with authority that it did not possess.

- (5) In February 1960 a letter from Dr. Ernst Mayr, supported by Dr. Key and later by Professor Boschma was received asking that the following amendments be made to the Draft Constitution submitted in August 1959. These concerned two points to which his attention had been called by Dr. N. R. Stoll, Chairman of the Editorial Committee, and were as follows:—

"(i) Add to Section 12b of the Constitution a Subsection (i) to read:

'The requirement of not less than six months notice does not apply to the case of a generic name published after 1758 by an author who did not apply the principles of binominal nomenclature in the work in question.'

(This proviso has apparently long been in force and can not be omitted without action of a Zoological Congress.)

and

(ii) 'omit from the Constitution Section 13 (to be incorporated in the Code) and renumber Sections 14, 15 and 16 of the Constitution to become 13, 14 and 15'."

- (6) On 14 June 1960 the Draft Constitution, as amended by the Editorial Committee with the agreement of the By-laws Committee, was circulated to the Commission, together with matters relating to the Code proper, under the three months rule, for approval or otherwise. The result of this vote was as follows:—

Votes for Approval—twenty (20): Hering, Dymond, Jaczewski, Alvarado, Stoll, Mayr, Obrucher, Tortonese, do Amaral, Kühnelt, Boschma, Vokes, Key, Uchida, Miller, Mertens, Brinck, Bonnet, Poll, Evans.

Conditional approval (i.e. subject to comment)—two (2): Holthuis, Lemche.

Against—Bradley.

Not voting—Riley.

- (7) The principal comments received were from Dr. Holthuis and Professor Bradley. (8) The President's criticisms in particular were so serious that, as Secretary, I felt compelled to consult him as to the action I should take with regard to publication, the Editorial Committee on the Code having already (see above) decided they were not justified in publishing the Draft Constitution with the Code. On 24 September 1960, President Bradley replied very fully in a letter from which the following is an extract:—

"To sum up . . . I vote to publish the draft in the 'Bulletin' . . . to

give it only the status of a provisionally approved draft, subject to further amendment and only to come into effect when in the final form it is approved by the next Congress ; and, finally, to preface the draft with such a statement."

In another paragraph of the same letter, before summing up, President Bradley had written :—

"The status is that of a proposed draft that has received preliminary approval but that cannot be put into even temporary effect until approved by the next Congress. That is more than a vote, it stands as a presidential ruling, but, of course, such a ruling can always be appealed from . . ."

(9) On 10 October 1960, a letter was received from Dr. do Amaral, Vice-President of the Commission, from which the following is an extract :—

"I also favour the alternative of publishing it in the 'Bulletin' independently from the Code and preferably with a preface calling for constructive criticism."

(10) As this course was what I also favoured as Secretary, the decision of the Executive Committee was unanimous.

(11) During 1961 correspondence passed between the Chairman of the By-laws Committee, the Chairman of the Editorial Committee, President Bradley, Professor J. Baer, myself as Secretary of the Commission, and others, all desiring to further this matter.

(12) On 6 November an Open Letter addressed to the By-laws Committee together with an Addendum, was received from President Bradley. This letter is printed below, together with the Addendum (subsequently slightly revised). Both these have the approval of Dr. do Amaral and myself and are therefore to be regarded as submitted by the Executive Committee.

(13) The Draft Constitution as circulated to the Commission (see paras. 5 and 6 above) is now published (pp. 358–361) so that all interested zoologists may have ample opportunity to consider it and to offer their comments prior to its submission to the next Congress.

N. D. RILEY

26 February 1962